

1 GARMAN TURNER GORDON  
2 DYLAN T. CICILIANO, ESQ.  
3 Nevada Bar No. 12348  
4 Email: dciciliano@gtg.legal  
5 650 White Drive, Suite 100  
Las Vegas, Nevada 89119  
Tel: (725) 777-3000  
Fax: (725) 777-3112  
*Attorneys for SMS Financial J, LLC*

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 KHI LIQUIDATION TRUST,  
9 Plaintiff,

10 v.

11 SOUTHERN VEGAS VALLEY  
12 CONTRACTING, LLC

13 Defendant.

14 CASE NO. 2:17-cv-298-JAD-GWF

15 **STIPULATION AND ORDER TO  
CONTINUE HEARING ON  
DEFENDANT'S EMERGENCY MOTION  
TO VACATE ORDER FOR  
EXAMINATION OF JUDGMENT  
DEBTOR AND STAY PROCEEDINGS  
[DKT. 6]**

16 **FOURTH REQUEST**

17 Judgment Creditor SMS Financial J, LLC (“SMS”) by and through its counsel of record  
18 Dylan T. Ciciliano, Esq. of the law firm Garman Turner Gordon, LLP, and SOUTHERN  
19 VEGAS VALLEY CONTRACTING, LLC (“SVVC”), by and through its counsel of record Jack  
20 Chen Min Juan, Esq. of the law firm Marquis Aurbach Coffing, hereby stipulate and agree as  
follows:

21 On or about March 20, 2017, SVVC filed its Emergency Motion to Vacate Order for  
22 Examination of Judgment Debtor and Stay Proceedings (the “Motion to Vacate”). [Dkt. 6]. By  
23 minute order dated March 21, 2017, the Court set a hearing on the Motion to Vacate for April 3,  
24 2017, and stayed the judgment debtor exam until the Court decides the Motion to Vacate. [Dkt.  
25 7].

26 The judgment that is the subject of the Motion to Vacate is based on an Order Granting  
27 Default Judgment (“Judgment”) in favor of KHI Liquidation Trust against SVVC in the United  
28 States Bankruptcy Court of the Northern District of Illinois Eastern District, *In re: Kimball Hill*,

1        *Inc.*, Case No. 08-10095, Adv. Proc. No. 10-00761 (the “Adversary Proceeding”), on or about  
2 January 14, 2011. [See generally Dkt. 2]. KHI Liquidation Trust assigned the judgment to SMS  
3 on April 29, 2016. [Dkt. 2-3].

4              Since the filing of the Motion to Vacate, SVVC and SMS engaged in settlement  
5 discussions. SVVC and SMS continue to engage in settlement discussions. Previously, SVVC  
6 searched its archives in an attempt to retrieve documents relevant to the underlying Adversary  
7 Proceeding. SVVC identified documents it contends are relevant to its potential defense in the  
8 Adversary Proceeding, and therefore relevant to the Motion to Vacate.

9              On May 17, 2017, SVVC provided the documents to SMS for its review, the day before  
10 the third requested stipulation. [Dkt 14].

11             SMS has reviewed the documents in furtherance of a possible resolution of the Motion to  
12 Vacate and is evaluating the legal position asserted by SVVC. Because SMS is an assignee, the  
13 process is more time consuming than it otherwise would have been.

14             Accordingly, the parties stipulate and agree that the hearing on the Motion to Vacate  
15 should be continued to July 31, 2017, subject to the Court’s availability, with any response to the  
16 Motion to Vacate being due on July 24, 2017.

17             The parties further stipulate and agree that per the Court’s March 20, 2017, Minute Order  
18 [dkt. 7], the judgment debtor exam should be stayed until such time that the Court decides the  
19 Motion to Vacate.

20             Dated this 23<sup>rd</sup> day of June, 2017.

21             GARMAN TURNER GORDON

MARQUIS AURBACH COFFING

22             /s/ Dylan Ciciliano

23 Dylan T. Ciciliano, Esq.  
24 Nevada Bar No. 12348  
25 650 White Drive, Suite 100  
Las Vegas, NV 89119  
dciciliano@gtg.legal

26             *Attorneys for Plaintiffs, SMS Financial J,  
27 LLC*

28             /s/ Jack Chen Min Juan

29 Jack Chen Min Juan, Esq.  
Nevada Bar No. 6367  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
jjuan@maclaw.com

30             *Attorneys for Southern Vegas Valley  
Contracting, LLC*

## ORDER

IT IS HEREBY ORDERED that the Emergency Motion to Vacate Order for Examination  
of Judgment Debtor and Stay Proceedings [Dkt. 6] is hereby rescheduled to be held on  
August 4, 2017, at the hour of 1:30 pm., to be held in LV Courtroom 3A before  
Magistrate Judge George Foley, Jr.

IT IS FURTHER ORDERED that the Judgment Debtor Exam is hereby stayed until such time that the Court decides the Emergency Motion to Vacate Order for Examination of Judgment Debtor and Stay Proceedings.

10 DATED June 26, 2017

UNITED STATES MAGISTRATE JUDGE

4820-9120-0842, v. 1